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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,321	11/27/2001	Steven Paul Georges Cooremans	10008.200-US	9501

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EXAMINER	
SIEFKE, SAMUEL P	
ART UNIT	**PAPER NUMBER**
1743	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/995,321	COOREMANS ET AL.	
	Examiner	Art Unit	
	Samuel P. Siefke	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/07/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-12,14,22-27 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-12,14,22-27 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Newly submitted claims 30-39 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims are directed to cleaning a surface of a stain by applying a liquid to a stained surface. The newly submitted claims provide the cleaning solution in an array of containers with a stained surface also in the container.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 30-39withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-12,14, 22-26, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hortel et al. (USPN 6,233,771).

Hortel discloses a stain removal device and method that comprises preparing a liquid sample of less than 10 ml comprising a compound (col. 33, lines 14-20), the compound can be a bleach system, beach activators, bleach catalyst, optical brighteners, nonionic, anionic, cationic, chelating agents, enzymes perfumes, perfume systems, fabric care agents (col. 13, line 61- col. 17 line 52), applying the liquid sample to a stained surface (fabric, col. 33, lines 14-19); applying mechanical stress to the stained surface by contacting the satin surface with a body present in the liquid sample (col. 5, lines 48-60, col. 6, lines 22-33); evaluating the cleaning effect of applying solution and mechanical stress on the stained surface (col. 14, line 58- col. 15, line 6). The liquid sample has a volume selected from 5-95% of volume (col. 14, lines 10-23; col. 15). The forces applied to the stain are periodically oscillating (col. 6, lines 22-32).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hortel et al. (USPN 6,233,771) in view of Nicolson et al. (USPN 5,468,448).

Hortel discloses a method of using and a cleaning agent for stains as discussed above.

Hortel does not teach the use of using a magnetic force to move particles against an object to be cleaned.

Nicolson teaches an apparatus for cleaning a contact lens. The apparatus comprises a container in which a magnetic stir bar assembly is disclosed. The stir bar system comprises a stir bar driven by a magnetic drive system which imparts agitation to the contact lens. It would have been obvious to one having an ordinary skill in the art to modify Hortel to use include a stir bar assembly of Nakano in order to provide

agitation to a container to automate the process and take out the manual rubbing of Hortel.

Response to Arguments

Applicant's arguments filed 11/07/05 have been fully considered but they are not persuasive. Applicant argues, "the treatment members (that is, the protuberances) of Hortel are affixed to the convex treatment face of the base. Thus, the treatment member (which provide the mechanical cleaning force) are never located inside the liquid sample." When the liquid sample is applied to the fabric and the cleaning device with the protuberances contact the fabric and the cleaning solution, the protuberances would inherently penetrate the surface of the liquid sample (cleaning solution) while the mechanical stress is applied on the stained surface for cleaning. Therefore, the protuberances (the body) are located inside the liquid sample when the mechanical stress is applied to the stained surface.

Applicant argues, "Hortel also does not teach or disclose a stain removal device or method using only small sample volume of less than 10 ml. Ten drops is not the same as less than 10 ml, and there is no disclosure in Hortel as to what volume 10 drops is equivalent to." The Examiner would like to point to column 11, lines 47-55 where Hortel discloses a typical receiver 90 mm x 140 mm receiver absorbs about 10-20 grams of water. Since 1 gram of water equals 1 ml of water, 10 grams of water to be used on a fabric is equivalent to 10 ml of water. Hortel then discloses, "Since very little fluid is used in the typical stain removal process, much less capacity is actually

required. A practical range is therefore about 10 g to 50 g." The smallest reference being *about* 10 g is equivalent to 10 ml of cleaning fluid employed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel P. Siefke whose telephone number is 571-272-1262. The examiner can normally be reached on M-F 7:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam P. Siefke

January 20, 2006

Jill Warden
Supervisory Patent Examiner
Technology Center 1700